

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 0:24-cv-60382-LEIBOWITZ/AUGUSTIN-BIRCH

JESSICA PIAFSKY,

Plaintiff,

v.

**MB HOME IMPROVEMENTS,
INC., et al.,**

Defendant.

ORDER

THIS CAUSE is before the Court upon Plaintiff's First Motion for Default Judgment against Maxim Bohadana and MB Home Improvements, Inc. ("Plaintiff's Motion") [ECF No. 61], and Defendants' Motion to Withdraw as Attorney for Maxim Bohadana and MB Home Improvements, Inc. ("Defendants' Motion") [ECF No. 63]. Defendants Maxim Bohadana and MB Home Improvements, Inc. ("Defendants"), filed a response to Plaintiff's Motion [ECF No. 62] and Plaintiff opposes the relief sought in Defendants' Motion [ECF No. 63 ¶ 8]. For the reasons stated herein, Plaintiff's Motion and Defendants' Motion are DENIED WITHOUT PREJUDICE.

Plaintiff moves for default against Defendants because Defendants failed to respond to Plaintiff's Amended Complaint [ECF No. 56]. [ECF No. 61]. On December 30, 2024, the Court granted Plaintiff's Motion to Amend the Complaint. [ECF No. 54]. Plaintiff filed an Amended Complaint on January 10, 2025. [ECF No. 56]. Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, "any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later." Fed. R. Civ. P. 15(a)(3). Therefore, Defendants' response to the Amended Complaint was due on January 24, 2025. Defendants failed to submit a response. Instead, Defendants' counsel has

moved to withdraw as counsel of record and asks the Court in response to Plaintiff's Motion to incorporate Defendants' previously filed answer and defenses to the Amended Complaint. [ECF No. 63; ECF No. 62]. The Court will not grant either request at this time. The Court will allow Defendants additional time to submit their Amended Answer and Affirmative Defenses to the Amended Complaint.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that Plaintiff's Motion [ECF No. 61] and Defendants' Motion [ECF No. 63] are **DENIED WITHOUT PREJUDICE**. Defendants MB Home Improvement, Inc., and Maxim Bohadana shall submit an Amended Answer and Affirmative Defenses to Plaintiff's Amended Complaint **[ECF No. 56] no later than February 14, 2025**. At that time, Defendants may refile their Motion to Withdraw as Attorney.

DONE AND ORDERED in the Southern District of Florida this January 29, 2025.



DAVID S. LEIBOWITZ
UNITED STATES DISTRICT JUDGE

cc: counsel of record